

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

GANAS, LLC,

Plaintiff,

v.

**1) ORACLE AMERICA, INC.; and
2) ORACLE CORP.,**

Defendants.

CIVIL ACTION NO. 2:14-cv-934

JURY TRIAL DEMANDED

ORIGINAL COMPLAINT FOR PATENT INFRINGEMENT

1. This is an action for patent infringement in which Ganas, LLC, makes the following allegations against Oracle America, Inc. (“OAI”) and Oracle Corp. (“Oracle”) (collectively, “Defendants”).

PARTIES

2. Plaintiff Ganas, LLC (“Plaintiff” or “Ganas”) is a Texas limited liability company with its principal place of business at 1333 W. McDermott Drive, Suite 241, Allen, Texas 75013. Ganas’ president is Daniel F. Perez.

3. On information and belief, Oracle America, Inc. (“OAI”), is a Delaware corporation with its principal place of business at 500 Oracle Pkwy, Redwood City, California 94065-1675. Defendant OAI’s registered agent in Texas appears to be Corporation Service Co., 211 E. 7th Street, Suite 620, Austin, Texas 78701.

4. On information and belief, Oracle Corp. (“Oracle”), is a Delaware corporation with its principal place of business at 500 Oracle Pkwy, Redwood City, California 94065-1675. Defendant Oracle does not appear to have a registered agent in Texas.

JURISDICTION AND VENUE

5. This action arises under the patent laws of the United States, Title 35 of the United States Code. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this district under 28 U.S.C. §§ 1391(c) and 1400(b). On information and belief, Defendants have transacted business in this district, and have committed and/or induced acts of patent infringement in this district.

7. On information and belief, Defendants are subject to this Court's specific and general personal jurisdiction pursuant to due process and/or the Texas Long Arm Statute, due at least to their substantial business in this forum, including: (i) at least a portion of the infringements alleged herein; and (ii) regularly doing or soliciting business, engaging in other persistent courses of conduct, and/or deriving substantial revenue from goods and services provided to individuals in Texas and in this Judicial District.

COUNT I
INFRINGEMENT OF U.S. PATENT NO. 7,136,913

8. Plaintiff is the owner by assignment of United States Patent No. 7,136,913 ("the '913 Patent") entitled "Object oriented communication among platform independent systems across a firewall over the internet using HTTP-SOAP" – including all rights to recover for past and future acts of infringement. The '913 Patent issued on November 14, 2006. A true and correct copy of the '913 Patent is attached as Exhibit A.

9. Upon information and belief, Defendants have and are now, directly or through intermediaries, making, made, having made, installing, installed, using, used, importing, imported, providing, provided, supplying, supplied, distributing, distributed, selling, sold, offering and/or offered for sale products, services and/or systems (the "infringing systems") that infringe or, when used by their intended users in the manner intended by Defendants, infringe(d) one or more claims of the '913 Patent in the State of Texas, in this judicial district, and elsewhere in the United States. Without limiting or waiving Plaintiff's right to later amend or supplement its Complaint, Defendants' infringing systems are generally advertised and marketed as Oracle Fusion Middleware and Oracle WebLogic Server. Use of these infringing services, in their intended manner and as designed and/or programmed, appear to infringe one or more claims of the '913 Patent. Furthermore, Defendants provide various hosting platforms (software as a service – SaaS, platform as a service – PaaS, and infrastructure as a service – IaaS) to users/customers of its infringing systems in a manner that results in use of the infringing systems by end-users under the influence and control of Defendants. Defendants thus directly and

indirectly infringe, jointly infringe, contribute to and/or induce infringement of one or more claims of the '913 Patent. Defendants are thus liable for infringement of the '913 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

COUNT II
INFRINGEMENT OF U.S. PATENT NO. 7,325,053

10. Plaintiff is the owner by assignment of United States Patent No. 7,325,053 ("the '053 Patent") entitled "Object oriented communication among platform-independent systems over networks using SOAP" – including all rights to recover for past and future acts of infringement. The '053 Patent issued on January 29, 2008. A true and correct copy of the '053 Patent is attached as Exhibit B.

11. Upon information and belief, Defendants have and are now, directly or through intermediaries, making, made, having made, installing, installed, using, used, importing, imported, providing, provided, supplying, supplied, distributing, distributed, selling, sold, offering and/or offered for sale products, services and/or systems (the "infringing systems") that infringe or, when used by their intended users in the manner intended by Defendants, infringe(d) one or more claims of the '053 Patent in the State of Texas, in this judicial district, and elsewhere in the United States. Without limiting or waiving Plaintiff's right to later amend or supplement its Complaint, Defendants' infringing systems are generally advertised and marketed as Oracle Fusion Middleware and Oracle WebLogic Server. Use of these infringing services, in their intended manner and as designed and/or programmed, appear to infringe one or more claims of the '053 Patent. Furthermore, Defendants provide various hosting platforms (software as a service – SaaS, platform as a service – PaaS, and infrastructure as a service – IaaS) to users/customers of its infringing systems in a manner that results in use of the infringing systems by end-users under the influence and control of Defendants. Defendants thus directly and indirectly infringe, jointly infringe, contribute to and/or induce infringement of one or more claims of the '053 Patent. Defendants are thus liable for infringement of the '053 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

COUNT III
INFRINGEMENT OF U.S. PATENT NO. 7,007,094

12. Plaintiff is the owner by assignment of United States Patent No. 7,007,094 ("the '094 Patent") entitled "Object oriented communications system over the internet" – including all rights to recover for past and future acts of infringement. The '094 Patent issued on February 28, 2006. A true and correct copy of the '094 Patent is attached as Exhibit C.

13. Upon information and belief, Defendants have and are now, directly or through intermediaries, making, made, having made, installing, installed, using, used, importing, imported, providing, provided, supplying, supplied, distributing, distributed, selling, sold, offering and/or offered for sale products, services and/or systems (the "infringing systems") that infringe or, when used by their intended users in the manner intended by Defendants, infringe(d) one or more claims of the '094 Patent in the State of Texas, in this judicial district, and elsewhere in the United States. Without limiting or waiving Plaintiff's right to later amend or supplement its Complaint, Defendants' infringing systems are generally advertised and marketed as Oracle Fusion Middleware and Oracle WebLogic Server. Use of these infringing services, in their intended manner and as designed and/or programmed, appear to infringe one or more claims of the '094 Patent. Furthermore, Defendants provide various hosting platforms (software as a service – SaaS, platform as a service – PaaS, and infrastructure as a service – IaaS) to users/customers of its infringing systems in a manner that results in use of the infringing systems by end-users under the influence and control of Defendants. Defendants thus directly and indirectly infringe, jointly infringe, contribute to and/or induce infringement of one or more claims of the '094 Patent. Defendants are thus liable for infringement of the '094 Patent pursuant to 35 U.S.C. § 271(a), (b) & (c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter:

1. A judgment in favor of Plaintiff that Defendants have infringed, directly, jointly, and/or indirectly, by way of inducing and/or contributing to the infringement of the '913, '053 and '094 Patents;

2. A permanent injunction enjoining Defendants and their officers, directors, agents, servants, affiliates, employees, divisions, branches, subsidiaries, parents, and all others acting in active concert therewith from infringement, inducing the infringement of, or contributing to the infringement of the '913, '053 and '094 Patents;
3. A judgment and order requiring Defendants to pay Plaintiff its damages, costs, expenses, and prejudgment and post-judgment interest for Defendants' infringement of the '913, '053 and '094 Patents as provided under 35 U.S.C. § 284;
4. An award to Plaintiff for enhanced damages resulting from the knowing and deliberate nature of Defendants' prohibited conduct with notice made at least as early as the service date of this Complaint, as provided under 35 U.S.C. § 284;
5. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Plaintiff its reasonable attorneys' fees; and
6. Any and all other relief to which Plaintiff may show itself to be entitled.

DEMAND FOR JURY TRIAL

Plaintiff, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Respectfully Submitted,

October 7, 2014

GANAS, LLC

By: /s/ Ronald W. Burns
Ronald W. Burns
Texas State Bar No. 24031903
Ronald W. Burns, Esq.
15139 Woodbluff Drive
Frisco, Texas 75035
Phone: 972-632-9009
rburns@burnsiplaw.com

ATTORNEY FOR PLAINTIFF
GANAS, LLC